

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

JS

To:
GEOFFREY L. MELNICK
G.E. EHRLICH (1995) LTD.
11 MENACHEM BEGIN STREET
RAMAT GAN, ISRAEL 52 521

RECEIVED

07 FEB 2005

FILE No. 27867

G.E. EHRLICH (1995)

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

26 JAN 2005

(d)

Applicant's or agent's file reference
27867

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/IL04/00305

International filing date
(day/month/year) 01 April 2004 (01.04.2004)

Applicant
BIOVIEW LTD.

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

Shelia F. Huff

Telephone No. (571) 272-1600

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL04/00305

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G01N 33/53

US CL : 435/7.1, 7.21, 7.7, 7.9, 40.5, 40.51, 40.52

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 435/7.1, 7.21, 7.7, 7.9, 40.5, 40.51, 40.52

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	MCCORMICK et al, HER2 Assessment by Immunohistochemical Analysis and Fluorescence In Situ Hybridization. Am. J. Clin. Pathol. 2002, Vol. 117, pages 935-943, see abstract.	1-5,7,10-13,19-23,25,28,31
X	VAN AGTHOVAN et al. Differential Expression of Estrogen, Progesterone, and Epidermal Growth Factor Receptors in Normal, Benign, and Malignant Human Breast Tissues using Dual Staining Immunohistochemistry. American Journal of Pathology, June 1994, Vol. 144, No. 6, pages 1238-1246, see abstract.	1-5,8,19-23,25
Y	US 2002/0127542 A1 (BEUG et al) 12 September 2002 (12.09.02), paragraph 0030.	1-7,10,13,16,19-23,25,28,31
X	US 2002/0106685 A1 (HENNING et al) 08 August 2002 (08.08.02), paragraphs,0014,0018,0038,0043.	1-5,11,13,19-23,31
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Y		6-7,24-25

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"I," document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

30 December 2004 (30.12.2004)

Date of mailing of the international search report

26 JAN 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Sheela J. Hurst

Telephone No. (571) 272-1600

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IL04/00305

Continuation of B. FIELDS SEARCHED Item 3:

WEST, STN

search terms: cancer? or tumour? or tumor? or malignant; dual or double or tandem or twice; morpholog? (P) stain;
immunohistochem? or immunologic? or immunocytochem?; cytochem? or hybridizat?; transitional (P) carcinoma; bladder cancer